claims 1, 8, 15 and 16, arguing that the use of these terms renders the claims indefinite. Applicant respectfully disagrees. The terms in question are believed to be entirely appropriate in the context of the claimed invention.

Applicant initially notes that the Examiner relies on MPEP §2106 as allegedly supporting the assertion that use of the terms in question renders the claims indefinite. However, the purpose and scope of MPEP §2106 is specifically described therein as follows:

> These Examination Guidelines for Computer-Related Inventions ("Guidelines") are to assist Office personnel in the examination of applications drawn to computer-related inventions. "Computer-related inventions" include inventions implemented in a computer and inventions employing computer-readable media.

The present invention is directed to a driver circuit for an optical source, an integrated circuit, an apparatus comprising an optical source and a driver circuit, and a circuit comprising an input stage, an output stage and multiple differential pairs. The claims do not make any specific reference to implementation in a computer or to employment of computer-readable media. It is therefore believed that the Examination Guidelines for Computer-Related Inventions as provided in MPEP §2106 are generally inapplicable to the present invention as claimed.

Applicant further notes that MPEP §2106, even if assumed to be applicable to the present claims, fails to provide support for the §112 rejection. For example, the Examiner in formulating the §112 rejection apparently relies on the fact that MPEP §2106 specifically recites the terms "adapted to" or "adapted for" as being potentially problematic in the context of computer-related inventions. However, MPEP §2106 does not provide a blanket prohibition against use of these or similar terms in all types of claims. Instead, it simply provides "examples of language that may raise a question as to the limiting effect of the language in a claim." Applicant respectfully submits that it is improper for the Examiner to characterize this statement from MPEP §2106 as allegedly providing a blanket prohibition against use of the terms at issue.

It is interesting to note in this regard that MPEP §2106 indicates that some other examples of language that may raise a question as to limiting effect in claims directed to computer-related inventions include "wherein" clauses and "whereby" clauses. Is the Examiner arguing that the mere use of such clauses, or any of the other examples recited in MPEP §2106, automatically results in an indefinite claim? Such an argument strains credulity. There is absolutely no support whatsoever for the position that the mere use of terms such as "adapted to establish," "configured to include," and "being implemented" renders the corresponding claims indefinite.

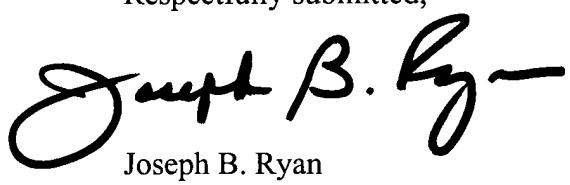
Applicant would also like to point out that the Court of Customs and Patent Appeals, the predecessor to the Federal Circuit, has explicitly held that "adapted to" clauses and similar claim terms are permissible, and do not render a claim indefinite under §112, second paragraph. In re Venezia, 189 USPQ 149, (CCPA 1976).

A proper analysis under §112, second paragraph, must look at the claim as a whole to determine if the claim particularly points out and distinctly claims the subject matter that is regarded as the invention. If a given claim "define[s] the metes and bounds of the claimed invention with a reasonable degree of precision and particularity, . . . [it is] definite as required by the second paragraph of section 112." Id., at 151. Each of claims 1-18 is believed to meet this statutory requirement.

In view of the above, Applicant believes that claims 1-18 are in condition for allowance, and respectfully requests withdrawal of the §112 rejection.

As indicated previously, a Notice of Appeal is submitted concurrently herewith.

Respectfully submitted,



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